

1 SB296  
2 126139-4  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 29-MAR-11

8 SYNOPSIS: Existing law provides for registration and  
9 notification of convicted sex offenders.

10 This bill would substantially revise the sex  
11 offender registration and notification  
12 requirements.

13 Under existing law, all sex offenses are not  
14 specifically enumerated, and there is no provision  
15 addressing crimes that are not sex offenses but  
16 where the offender acts with sexual motivation.

17 This bill would include the sex offenses that are  
18 omitted in the current law and encompass crimes  
19 that are committed with a sexual motivation.

20 Under existing law, sex offenders are  
21 required to provide and verify certain information  
22 to law enforcement. In addition to current law,  
23 this bill would require the sex offender to  
24 register each residence where the sex offender  
25 resides, the name and address of any school that  
26 the sex offender attends, vehicle identifiers,  
27 telephone numbers, email addresses and instant

1 message addresses or identifiers used, palm prints,  
2 passport and immigration documents, professional  
3 licensing information, and full criminal history.

4 This bill would also require adult sex  
5 offenders to verify their registration information  
6 four times a year.

7 Under existing law, adult sex offenders are  
8 required to verify their address prior to release  
9 from incarceration.

10 This requirement in the law has been  
11 declared unconstitutional by the Alabama Court of  
12 Criminal Appeals as applied to indigent homeless  
13 sex offenders. This bill would eliminate the  
14 existing verification process and require the adult  
15 sex offender to register prior to release from  
16 incarceration and immediately upon release in the  
17 county where the adult sex offender plans to  
18 reside, taking the burden off of law enforcement  
19 and eliminating the constitutional issue.

20 Under existing law, there are guidelines  
21 that provide for the establishment of a residence  
22 and for when a sex offender is prohibited from  
23 establishing a residence or living accommodation  
24 with a minor.

25 This bill would also provide guidelines as  
26 to the abandonment of a residence and prohibit the  
27 sex offender from establishing a residence with a

1 minor if the offender's sibling was his or her  
2 victim or the sex offender was convicted of a crime  
3 involving force against a minor.

4 Under existing law, there is no provision  
5 for homeless sex offenders.

6 This bill would create registration  
7 requirements for homeless sex offenders and close  
8 the loophole that is in the current law. Homeless  
9 sex offenders would be required to register weekly  
10 until a fixed residence is established.

11 Under existing law, certain sex offenders  
12 are prohibited from working or living within 2,000  
13 feet of a school or daycare.

14 This bill would give judges discretion to  
15 reduce or waive the distance restrictions for  
16 certain sex offenders who are terminally ill or  
17 permanently immobile. This bill would also give  
18 judges discretion over certain sex offenders to  
19 waive or reduce the employment distance  
20 restrictions. Additionally, this bill would  
21 establish how those boundaries are to be measured.

22 Under existing law, a sex offender may be  
23 declared a sexually violent predator based on a  
24 mental abnormality or personality disorder. This  
25 bill would base that determination on the sex  
26 offender's actions and previous criminal history.

Under existing law, judges have discretion to exempt a juvenile or youthful offender from notification if the offender is charged with rape in the second degree.

This bill would give judges the discretion to exempt juveniles and certain youthful offenders from registration and notification if the sexual offense was consensual and only a crime due to the ages of the victim and offender.

Under existing law, juvenile sex offenders are subject to registration for a period of 10 years; the state must petition the court for a hearing on a juvenile sex offender to apply notification, juvenile sex offenders are not subject to any living or working restrictions, and there is no requirement for juveniles who have out-of-state convictions to register in this state.

This bill would require certain juvenile sex offenders to register for life with the ability to petition the court for relief after 25 years. This bill would also require the court to hold a hearing on every juvenile sex offender to determine if community notification applies, prohibit juvenile sex offenders from living with their victims until sex offender treatment is complete and reunification is recommended by the treatment provider, prohibit juvenile sex offenders from

1 working with children, and require that  
2 out-of-state juvenile sex offenders register upon  
3 entering this state.

4 Under existing law, youthful offender sex  
5 offenders are treated like juvenile sex offenders.

6 This bill would require youthful offender  
7 sex offenders who have attained the age of 18 at  
8 the time of the commission of the offense and are  
9 convicted of a sex offense to be treated as adult  
10 sex offenders.

11 This bill would provide for registration  
12 fees, fines, and filing fees.

13 This bill would provide registration  
14 requirements for when a sex offender travels.

15 This bill would create a penalty if a sex  
16 offender changes or alters his or her  
17 identification card issued by the Department of  
18 Public Safety.

19 This bill would create guidelines for sex  
20 offenders who fail to appear for registration or  
21 who abscond.

22 This bill would create the crime of  
23 harboring or aiding and abetting a convicted sex  
24 offender and provide for penalties.

25 This bill would provide that an order  
26 altering, amending, waiving, or suspending the

requirements of this act, except as provided by law, shall be null, void, and of no effect.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL

TO BE ENTITLED

## AN ACT

Relating to sex offender registration and notification; to repeal Sections 13A-11-200, 13A-11-201, and 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code of Alabama 1975, to provide a system for registration by adults and juveniles convicted of certain sex offenses; to provide a system of notification of victims and other members of the general public of information regarding certain sex offenders; to provide residence and employment restrictions for sex offenders; to provide for registration fees; to provide for the duties of clerks of court, magistrates, and judges with regard to sex offenders; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Sex Offender Registration and Community Notification Act.

Section 2. The Legislature makes all of the following findings:

(1) Registration and notification laws are a vital concern as the number of sex offenders continues to rise. The increasing numbers coupled with the danger of recidivism place society at risk. Registration and notification laws strive to

1 reduce these dangers by increasing public safety and mandating  
2 the release of certain information to the public. This release  
3 of information creates better awareness and informs the public  
4 of the presence of sex offenders in the community, thereby  
5 enabling the public to take action to protect themselves.  
6 Registration and notification laws aid in public awareness and  
7 not only protect the community but serve to deter sex  
8 offenders from future crimes through frequent in-person  
9 registration. Frequent in-person registration maintains  
10 constant contact between sex offenders and law enforcement,  
11 providing law enforcement with priceless tools to aid them in  
12 their investigations including obtaining information for  
13 identifying, monitoring, and tracking sex offenders.

14 (2) Juvenile sex offenders also pose a risk to the  
15 community. Due to juvenile sex offenders offending in their  
16 formative years, it is imperative that they receive sex  
17 offender treatment. At the completion of sex offender  
18 treatment, all juvenile sex offenders must undergo a risk  
19 assessment, and a hearing must be held by the court to  
20 determine their level of risk to the community and the level  
21 of notification that should be provided to best protect the  
22 public. Juvenile sex offenders adjudicated delinquent of the  
23 most serious offenses who pose a greater threat should be  
24 subject to more stringent requirements.

25 (3) Homeless sex offenders are a group of sex  
26 offenders who need to be monitored more frequently for the  
27 protection of the public. Homeless sex offenders present a

1 growing concern for law enforcement due to their mobility. As  
2 the number of homeless sex offenders increases, locating,  
3 tracking, and monitoring these offenders becomes more  
4 difficult.

5 (4) Sexually violent offenders also cause increased  
6 concern for law enforcement. These predators are repeat sexual  
7 offenders who use physical violence, offend on multiple  
8 victims, and prey on children. Due to their likelihood to  
9 engage in future sexually violent behavior, they present an  
10 extreme threat to the public safety. The Legislature declares  
11 that its intent in imposing additional tracking and monitoring  
12 requirements on sexually violent predators is to assist law  
13 enforcement in carrying out their duties and, most  
14 importantly, to protect the public, especially children.

15 (5) Sex offenders, due to the nature of their  
16 offenses, have a reduced expectation of privacy. In balancing  
17 the sex offender's rights, and the interest of public safety,  
18 the Legislature finds that releasing certain information to  
19 the public furthers the primary governmental interest of  
20 protecting vulnerable populations, particularly children.  
21 Employment and residence restrictions, together with  
22 monitoring and tracking, also further that interest. The  
23 Legislature declares that its intent in imposing certain  
24 registration, notification, monitoring, and tracking  
25 requirements on sex offenders is not to punish sex offenders  
26 but to protect the public and, most importantly, promote child  
27 safety.

Section 3. (a) This act is applicable to every adult sex offender convicted of a sex offense as defined in Section 5, without regard to when his or her crime or crimes were committed or his or her duty to register pursuant to the act arose.

(b) Any adult sex offender shall be subject to this act for life.

(c) This act is applicable to juvenile sex offenders who are adjudicated delinquent pursuant to the Alabama Juvenile Justice Act, Sections 12-15-101 to 12-15-601, inclusive, formerly Sections 12-15-1 to 12-15-176, inclusive, Code of Alabama 1975, of a sex offense as defined in Section 5.

(d) A juvenile sex offender adjudicated delinquent of a sex offense as defined in Section 5 on or after July 1, 2011, shall be subject to this act for the duration of time as provided in Section 28. A juvenile sex offender adjudicated delinquent of a sex offense as defined in Section 5 prior to July 1, 2011, shall be subject to registration and verification pursuant to this act for 10 years from the last date of release on the sex offense subjecting the juvenile sex offender to registration. The juvenile sex offender shall be subject to notification during the registration period if notification was previously ordered by the sentencing court.

(e) This act is applicable to youthful offender sex offenders who are adjudicated as a youthful offender pursuant to the Youthful Offender Act, Sections 15-19-1 to 15-19-7,

Code of Alabama 1975, of a sex offense as defined in Section 5.

(f) A youthful offender sex offender adjudicated as a youthful offender of a sex offense as defined in Section 5 on or after July 1, 2011, shall be subject to this act as provided in Section 36. A youthful offender sex offender adjudicated as a youthful offender of a sex offense as defined in Section 5 prior to July 1, 2011, shall be treated as follows:

(1) If the youthful offender sex offender was not previously adjudicated or convicted of a sex offense, he or she shall be treated as a juvenile sex offender convicted prior to July 1, 2011, pursuant to subsection (d).

(2) If the youthful offender sex offender was previously adjudicated or convicted of a sex offense, he or she shall be treated as an adult sex offender pursuant to subsection (b).

Section 4. For purposes of this act, the following words shall have the following meanings:

(1) ADULT SEX OFFENDER. An adult convicted of a sex offense.

(2) CHILD. A person who has not attained the age of 12.

(3) CHILDCARE FACILITY. A licensed child daycare center, a licensed childcare facility, or any other childcare service that is exempt from licensing pursuant to Section

1                   38-7-3, Code of Alabama 1975, provided that the childcare  
2                   service and location are public record.

3                   (4) CONVICTION. A determination or judgment of guilt  
4                   following a verdict or finding of guilt as the result of a  
5                   trial, a plea of guilty, a plea of nolo contendere, an Alford  
6                   plea, an adjudication of delinquency or an adjudication as a  
7                   youthful offender. Conviction includes, but is not limited to,  
8                   a conviction in a United States territory, a conviction in a  
9                   federal or military tribunal, including a court martial  
10                  conducted by the Armed Forces of the United States, a  
11                  conviction for an offense committed on an Indian reservation  
12                  or other federal property, a conviction in any state of the  
13                  United States or a conviction in a foreign country if the  
14                  foreign country's judicial system is such that it satisfies  
15                  minimum due process set forth in the guidelines under Section  
16                  111(5)(B) of Public Law 109-248. Cases on appeal are deemed  
17                  convictions until reversed or overturned.

18                  (5) EMPLOYMENT. Includes employment that is  
19                  full-time, part-time, self-employment, or employment as an  
20                  independent contractor or day laborer for any period, whether  
21                  financially compensated, volunteered, or for the purpose of  
22                  government or educational benefit.

23                  (6) FIXED RESIDENCE. A building or structure, having  
24                  a physical address or street number, that adequately provides  
25                  shelter at which a person resides.

26                  (7) HABITUALLY LIVES. Where a person lives with some  
27                  regularity on an intermittent or temporary basis.

(8) HOMELESS. A person who has no fixed residence.

(9) IMMEDIATELY. Within three business days.

(10) IMMEDIATE FAMILY MEMBER. A grandparent, parent, sibling, spouse, child by blood, adoption, or marriage, or grandchild.

(11) JURISDICTION. Any state of the United States, any United States territory, the District of Columbia, or any federally recognized Indian tribe.

(12) JUVENILE SEX OFFENDER. An individual who has not attained the age of 18 at the time of the offense and who is adjudicated delinquent of a sex offense.

(13) LOCAL LAW ENFORCEMENT. The sheriff of the county and the chief of police if the location subject to registration is within the corporate limits of any municipality.

(14) MINOR. A person who has not attained the age of 18.

(15) PREDATORY. An act directed at a stranger, a person of casual acquaintance, or with whom no substantial relationship exists, or a person with whom a relationship has been established or promoted for the purpose of victimization of that person or individuals over whom that person has control.

(16) PRIOR CONVICTION. The person has served and has been released or discharged from, or is serving, a separate period of incarceration, commitment, or supervision for the

1 commission of a sex offense, as defined by Section 5, prior  
2 to, or at the time of, committing another sex offense.

3 (17) REGISTERING AGENCY. Any law enforcement agency  
4 where the sex offender registers required registration  
5 information.

6 (18) RELEASE. Release from a state prison, county  
7 jail, municipal jail, mental health facility, release or  
8 discharge from the custody of the Department of Youth Services  
9 or other juvenile detention, or placement on an appeal bond,  
10 probation, parole, or aftercare, placement into any facility  
11 or treatment program that allows the sex offender to have  
12 unsupervised access to the public, or release from any other  
13 facility, custodial or noncustodial, where the sex offender is  
14 sentenced or made a ward of that facility by a circuit,  
15 district, or juvenile court.

16 (19) REQUIRED REGISTRATION INFORMATION. Any  
17 information required pursuant to Section 7.

18 (20) RESIDENCE. Each fixed residence or other place  
19 where a person resides, sleeps, or habitually lives or will  
20 reside, sleep, or habitually live. If a person does not  
21 reside, sleep, or habitually live in a fixed residence,  
22 residence means a description of the locations where the  
23 person is stationed regularly, day or night, including any  
24 mobile or transitory living quarters or locations that have no  
25 specific mailing or street address. Residence shall be  
26 construed to refer to the places where a person resides,  
27 sleeps, habitually lives, or is stationed with regularity,

1 regardless of whether the person declares or characterizes  
2 such place as a residence.

3 (21) RESPONSIBLE AGENCY. The person or government  
4 entity whose duty it is to obtain information from a sex  
5 offender and to transmit that information to the Department of  
6 Public Safety, police departments, and sheriffs. For a sex  
7 offender being released from state prison, the responsible  
8 agency is the Department of Corrections. For a sex offender  
9 being released from a county jail, the responsible agency is  
10 the sheriff of that county. For a sex offender being released  
11 from a municipal jail, the responsible agency is the chief of  
12 police of that municipality. For a sex offender being placed  
13 on probation, including conditional discharge or unconditional  
14 discharge, without any sentence of incarceration, the  
15 responsible agency is the sentencing court. For a juvenile sex  
16 offender being released from the Department of Youth Services,  
17 the responsible agency is the Department of Youth Services.  
18 For a sex offender who is being released from a jurisdiction  
19 outside this state and who is to reside in this state, the  
20 responsible agency is the sheriff of the county in which the  
21 offender intends to establish a residence.

22 (22) RISK ASSESSMENT. A written report on the  
23 assessment of risk for sexually re-offending conducted by a  
24 sexual treatment program approved by the Department of Youth  
25 Services. The report shall include, but not be limited to, the  
26 following regarding the juvenile sex offender: criminal  
27 history, mental status, attitude, previous sexual offender

1 treatment and response to treatment, social factors,  
2 conditions of release expected to minimize risk of sexual  
3 re-offending, and characteristics of the sex offense.

4 (23) SCHOOL. A licensed or accredited public,  
5 private, or church school that offers instruction in grades  
6 K-12. The definition does not include a private residence in  
7 which students are taught by parents or tutors or any facility  
8 dedicated exclusively to the education of adults unless that  
9 facility has a childcare facility as defined in subsection  
10 (3).

11 (24) SENTENCING COURT. The court of adjudication or  
12 conviction.

13 (25) SEX OFFENSE INVOLVING A CHILD. A conviction for  
14 any sex offense in which the victim was a child or any offense  
15 involving child pornography.

16 (26) SEX OFFENSE INVOLVING A MINOR. A conviction for  
17 any sex offense in which the victim was a minor or any offense  
18 involving child pornography.

19 (27) SEX OFFENDER. Includes any adult sex offender,  
20 any youthful offender sex offender, and any juvenile sex  
21 offender.

22 (28) SEXUALLY VIOLENT PREDATOR. A person who has  
23 been convicted of a sexually violent offense and who is likely  
24 to engage in one or more future sexually violent offenses or  
25 is likely to engage in future predatory sex offenses.

26 (29) STUDENT. A person who is enrolled in or  
27 attends, on a full-time or part-time basis, any public or

1 private educational institution, including a secondary school,  
2 trade or professional school, or institution of higher  
3 education.

4 (30) TEMPORARY LODGING INFORMATION. Lodging  
5 information including, but not limited to, the name and  
6 address of any location where the person is staying when away  
7 from his or her residence for three or more days and the  
8 period of time the person is staying at that location.

9 (31) YOUTHFUL OFFENDER SEX OFFENDER. An individual  
10 adjudicated as a youthful offender for a sex offense who has  
11 not yet attained the age of 21 at the time of the offense.

12 Section 5. For the purposes of this act, a sex  
13 offense includes any of the following offenses:

14 (1) Rape in the first degree, as provided by Section  
15 13A-6-61, Code of Alabama 1975.

16 (2) Rape in the second degree, as provided by  
17 Section 13A-6-62, Code of Alabama 1975.

18 (3) Sodomy in the first degree, as provided by  
19 Section 13A-6-63, Code of Alabama 1975.

20 (4) Sodomy in the second degree, as provided by  
21 Section 13A-6-64, Code of Alabama 1975.

22 (5) Sexual misconduct, as provided by Section  
23 13A-6-65, Code of Alabama 1975, provided that on a first  
24 conviction the sex offender is only subject to registration  
25 and verification pursuant to Sections 9 and 10. On a second or  
26 subsequent conviction, if the second or subsequent conviction  
27 does not arise out of the same set of facts and circumstances

1 as the first conviction, the sex offender shall comply with  
2 all requirements of this act.

3 (6) Sexual torture, as provided by Section  
4 13A-6-65.1, Code of Alabama 1975.

5 (7) Sexual abuse in the first degree, as provided by  
6 Section 13A-6-66, Code of Alabama 1975.

7 (8) Sexual abuse in the second degree, as provided  
8 by Section 13A-6-67, Code of Alabama 1975.

9 (9) Indecent exposure, as provided by Section  
10 13A-6-68, Code of Alabama 1975, provided that on a first  
11 conviction the sex offender is only subject to registration  
12 and verification pursuant to Sections 9 and 10. On a second or  
13 subsequent conviction, if the second or subsequent conviction  
14 does not arise out of the same set of facts and circumstances  
15 as the first conviction, the sex offender shall comply with  
16 all requirements of this act.

17 (10) Enticing a child to enter a vehicle, room,  
18 house, office, or other place for immoral purposes, as  
19 provided by Section 13A-6-69, Code of Alabama 1975.

20 (11) Sexual abuse of a child less than 12 years old,  
21 as provided by Section 13A-6-69.1, Code of Alabama 1975.

22 (12) Promoting prostitution in the first degree, as  
23 provided by Section 13A-12-111, Code of Alabama 1975.

24 (13) Promoting prostitution in the second degree, as  
25 provided by Section 13A-12-112, Code of Alabama 1975.

(14) Violation of the Alabama Child Pornography Act, as provided by Sections 13A-12-191, 13A-12-192, 13A-12-196, or 13A-12-197, Code of Alabama 1975.

(15) Unlawful imprisonment in the first degree, as provided by Section 13A-6-41, Code of Alabama 1975, if the victim of the offense is a minor.

(16) Unlawful imprisonment in the second degree, as provided by Section 13A-6-42, Code of Alabama 1975, if the victim of the offense is a minor.

(17) Kidnapping in the first degree, as provided by subdivision (4) of subsection (a) of Section 13A-6-43, Code of Alabama 1975, if the intent of the abduction is to violate or abuse the victim sexually.

(18) Kidnapping of a minor, except by a parent, guardian, or custodian, as provided by Section 13A-6-43 or 13A-6-44, Code of Alabama 1975.

(19) Incest, as provided by Section 13A-13-3, Code of Alabama 1975.

(20) Transmitting obscene material to a child by computer, as provided by Section 13A-6-111, Code of Alabama 1975.

(21) School employee engaging in a sex act or deviant sexual intercourse with a student, as provided by Section 13A-6-81, Code of Alabama 1975.

(22) School employee having sexual contact with a student, as provided by Section 13A-6-82, Code of Alabama 1975.

(23) Facilitating solicitation of unlawful sexual conduct with a child, as provided by Section 13A-6-121, Code of Alabama 1975.

(24) Electronic solicitation of a child, as provided by Section 13A-6-122, Code of Alabama 1975.

(25) Facilitating the on-line solicitation of a child, as provided by Section 13A-6-123, Code of Alabama 1975.

(26) Traveling to meet a child for an unlawful sex act, as provided by Section 13A-6-124, Code of Alabama 1975.

(27) Facilitating the travel of a child for an unlawful sex act, as provided by Section 13A-6-125, Code of Alabama 1975.

(28) Human trafficking in the first degree, as provided by Section 13A-6-152, Code of Alabama 1975, provided that the offense involves sexual servitude.

(29) Human trafficking in the second degree, as provided by Section 13A-6-153, Code of Alabama 1975, provided that the offense involves sexual servitude.

(30) Custodial sexual misconduct, as provided by Section 14-11-31, Code of Alabama 1975.

(31) Any offense which is the same as or equivalent to any offense set forth above as the same existed and was defined under the laws of this state existing at the time of such conviction, specifically including, but not limited to, crime against nature, as provided by Section 13-1-110; rape, as provided by Sections 13-1-130 and 13-1-131; carnal knowledge of a woman or girl, as provided by Section 13-1-132

1 through 13-1-135, or attempting to do so, as provided by  
2 Section 13-1-136; indecent molestation of children, as defined  
3 and provided by Section 13-1-113; indecent exposure, as  
4 provided by Section 13-1-111; incest, as provided by Section  
5 13-8-3; offenses relative to obscene prints and literature, as  
6 provided by Sections 13-7-160 through 13-7-175, inclusive;  
7 employing, harboring, procuring or using a girl over 10 and  
8 under 18 years of age for the purpose of prostitution or  
9 sexual intercourse, as provided by Section 13-7-1; seduction,  
10 as defined and provided by Section 13-1-112; a male person  
11 peeping into a room occupied by a female, as provided by  
12 Section 13-6-6; assault with intent to ravish, as provided by  
13 Section 13-1-46; and soliciting a child by computer, as  
14 provided by Section 13A-6-110, Code of Alabama 1975.

15 (32) Any solicitation, attempt, or conspiracy to  
16 commit any of the offenses listed in subdivisions (1) to (31).

17 (33) Any crime committed in Alabama or any other  
18 state, the District of Columbia, any United States territory,  
19 or a federal, military, Indian, or foreign country  
20 jurisdiction which, if it had been committed in this state  
21 under the current provisions of law, would constitute an  
22 offense listed in subdivisions (1) to (32).

23 (34) Any offense specified by Title I of the federal  
24 Adam Walsh Child Protection and Safety Act of 2006 (Pub. L.  
25 109-248, the Sex Offender Registration and Notification Act  
26 (SORNA)).

(35) Any crime committed in another state, the District of Columbia, any United States territory, or a federal, military, Indian, or foreign country jurisdiction if that jurisdiction also requires that anyone convicted of that crime register as a sex offender in that jurisdiction.

(36) Any offender determined in any jurisdiction to be a sex offender shall be considered a sex offender in this state.

(37) The foregoing notwithstanding, any crime committed in any jurisdiction which, irrespective of the specific description or statutory elements thereof, is in any way characterized or known as rape, sodomy, sexual assault, sexual battery, criminal sexual conduct, criminal sexual contact, sexual abuse, continuous sexual abuse, sexual torture, solicitation of a child, enticing or luring a child, child pornography, lewd and lascivious conduct, taking indecent liberties with a child, molestation of a child, criminal sexual misconduct, or video voyeurism.

(38) Any crime not listed in this section wherein the underlying felony is an element of the offense and listed in subdivisions (1) to (37).

(39) Any crime not listed in this section involving sexual contact that may be created on or after July 1, 2011.

(40) Any other offense not provided for in this section wherein there is a finding of sexual motivation as provided by Section 6.

Section 6. (a) The prosecuting attorney may file an allegation of sexual motivation in any criminal case classified as a felony or Class A misdemeanor if sufficient admissible evidence exists that would justify a finding of sexual motivation by a reasonable and objective finder of fact.

(b) If the prosecuting attorney files an allegation of sexual motivation, the state shall prove beyond a reasonable doubt that the defendant committed the offense with a sexual motivation.

(c) The court shall make a written finding of fact, to be made part of the record, of whether or not a sexual motivation was present at the time of the commission of the offense unless the defendant has a trial by jury.

(d) If a defendant has a trial by jury, the jury, if it finds the defendant guilty, shall also find a special verdict as to whether or not the defendant committed the crime with a sexual motivation.

(e) If there is a finding of sexual motivation, the finding shall be made part of the record of conviction.

(f) For purposes of this section, sexual motivation means that one of the purposes for which the defendant committed the crime was for the purpose of the sexual gratification of the defendant.

(g) This section shall not apply to sex offenses as defined in subdivisions (1) to (39) of Section 5.

Section 7. (a) The following registration information, unless otherwise indicated, shall be provided by the sex offender when registering:

(1) Name, including any aliases, nicknames, ethnic, or Tribal names.

(2) Date of birth.

(3) Social Security number.

(4) Address of each residence.

(5) Name and address of any school the sex offender attends or will attend. For purposes of this subdivision, a school includes an educational institution, public or private, including a secondary school, a trade or professional school, or an institution of higher education.

(6) Name and address of any employer where the sex offender works or will work, including any transient or day laborer information.

(7) The license plate number, registration number or identifier, description, and permanent or frequent location where all vehicles are kept for any vehicle used for work or personal use, including land vehicles, aircraft, and watercraft.

(8) Any telephone number used, including land line and cell phone numbers.

(9) Any email addresses or instant message address or identifiers used, including any designations or monikers used for self-identification in Internet communications or postings.

(10) A current photograph.

(11) A physical description of the sex offender including physical appearance, physical characteristics, and identifying marks such as scars and tattoos.

## (12) Fingerprints and palm prints.

(13) A DNA sample. The DNA sample may be collected by the probation officer, sheriff, chief of police, or other responsible agency and shall immediately be forwarded by the entity collecting the sample to the Department of Forensic Sciences.

(14) A photocopy of the valid driver license or identification card.

(15) A photocopy of any and all passport and immigration documents.

(16) Any professional licensing information that authorizes the sex offender to engage in an occupation or carry out a trade or business.

(17) A full criminal history of the sex offender, including dates of all arrests and convictions, status of parole, probation, or supervised release, registration status, and outstanding arrest warrants.

(18) Any other information deemed necessary by the Director of the Department of Public Safety.

(b) The registering agency is not required to obtain any of the following information each time the sex offender verifies his or her required registration information if the

registering agency verifies the information has already been collected and has not been changed or altered:

- (1) A current photograph.
- (2) Fingerprints or palm prints.
- (3) A DNA sample.
- (4) A photocopy of the valid driver license or  
itation card.
- (5) A photocopy of any and all passport and  
on documents.

(c) The registration information shall be transmitted to the Department of Public Safety in a manner determined by the director of the department.

(d) The required registration information shall include a form explaining all registration and notification duties, including any requirements and restrictions placed on the sex offender. This form shall be signed and dated by the sex offender. If the sex offender fails to sign the form, the designee of the registering agency shall sign the form stating that the requirements have been explained to the sex offender and that the sex offender refused to sign.

(e) All required registration information shall be stored electronically in a manner determined by the Director of the Department of Public Safety and shall be available in a digitized format by the Department of Public Safety to anyone entitled to receive the information as provided in Section 43.

(f) Any person who fails to provide the required registration information pursuant to this section shall be guilty of a Class C felony.

Section 8. (a) All of the following registration information shall be provided on the public registry website maintained by the Department of Public Safety and on any community notification documents:

(1) Name, including any aliases, nicknames, ethnic, or Tribal names.

(2) Address of each residence.

(3) Address of any school the sex offender attends or will attend. For purposes of this subdivision, a school includes an educational institution, public or private, including a secondary school, a trade or professional school, or an institution of higher education.

(4) Address of any employer where the sex offender works or will work, including any transient or day laborer information.

(5) The license plate number and description of any vehicle used for work or personal use, including land vehicles, aircraft, and watercraft.

(6) A current photograph.

(7) A physical description of the sex offender.

(8) Criminal history of any sex offense for which the sex offender has been adjudicated or convicted.

(9) The text of the criminal provision of any sex offense of which the sex offender has been adjudicated or convicted.

(10) Status of the sex offender, including whether the sex offender has absconded.

(b) None of the following information shall be provided on the public registry website or any other notification documents:

(1) Criminal history of any arrests not resulting in conviction.

(2) Social Security number.

### (3) Travel and immigration document numbers.

#### (4) Victim identity.

(5) Internet identifiers.

(c) Any other required registration information may be included on the website as determined by the Director of the Department of Public Safety.

(d) All information shall immediately be posted on the public registry website upon receipt of the information by the Department of Public Safety.

(e) The website shall include field search capabilities to search for sex offenders by name, city, county or town, zip code, or geographic radius.

(f) The website shall include links to sex offender safety and education resources.

(g) The website shall include instructions on how to seek correction of information that a person contends is erroneous.

(h) The website shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any person named in the registry or residing or working at any reported address and that any such action may result in civil or criminal penalties.

Section 9. (a) At least 30 days prior to release, or immediately upon notice of release if release is less than 30 days, of an adult sex offender from the county jail, municipal jail, Department of Corrections, or any other facility that has incarcerated the adult sex offender, or immediately upon conviction, if the adult sex offender is not incarcerated, the responsible agency shall:

(1) Inform the adult sex offender of his or her duty to register, instruct the adult sex offender to read and sign a form stating that the duty to register has been explained, and obtain the required registration information from the adult sex offender. If the adult sex offender refuses to sign the form, the designee of the responsible agency shall sign the form stating that the requirements have been explained to the adult sex offender and that the adult sex offender refused to sign.

(2) If the adult sex offender declares his or her intent to reside within this state, the responsible agency

1 shall immediately notify and provide the required registration  
2 information to the Department of Public Safety, the Attorney  
3 General, the district attorney in the county of conviction,  
4 and local law enforcement where the adult sex offender intends  
5 to reside. The notification shall also include any other  
6 information available to the responsible agency which would be  
7 necessary to identify and trace the adult sex offender,  
8 including, but not limited to, each sex offense history or a  
9 copy of the pre-sentence investigation of the sex offense and  
10 the release date of the adult sex offender.

11 (3) If the adult sex offender declares his or her  
12 intent to reside outside of the state, the responsible agency  
13 shall immediately notify and provide the required registration  
14 information to the Department of Public Safety, the Attorney  
15 General, the district attorney in the county of conviction,  
16 and the designated state law enforcement agency of the state  
17 to which the adult sex offender has declared his or her intent  
18 to reside. The notification shall also include any other  
19 information available to the responsible agency which would be  
20 necessary to identify and trace the adult sex offender,  
21 including, but not limited to, each sex offense history or a  
22 copy of the pre-sentence investigation of the sex offense and  
23 the release date of the sex offender.

24 (4) If an adult sex offender is not able to provide  
25 a residence prior to the time of release, then the responsible  
26 agency shall notify the sheriff of the county where the last  
27 conviction for a sex offense or violation of this act took

1 place at least five days prior to the release of the adult sex  
2 offender. Upon notice of the release date from the responsible  
3 agency, the sheriff of the county of the last conviction for a  
4 sex offense or a violation of this act shall make arrangements  
5 to have the adult sex offender immediately remanded to his or  
6 her custody to register in accordance with Section 10 at the  
7 time of release.

8 (5) Any adult sex offender who is due to be released  
9 due to the expiration of his or her sentence and who refuses  
10 to provide the required registration information shall be  
11 treated as follows:

12 a. If the adult sex offender has not accumulated any  
13 incentive time pursuant to Section 14-9-41 of the Code of  
14 Alabama 1975, or any other law, he or she shall be charged  
15 with violating this section. At least five days prior to his  
16 or her release date, the Department of Corrections shall  
17 notify the sheriff in the county where the last conviction for  
18 a sex offense or violation of this act took place, which  
19 county shall be the proper venue for arrest and prosecution of  
20 violation of this section. Upon notice of the release date,  
21 the sheriff from the county of the last conviction for a sex  
22 offense or violation of this act shall make arrangements to  
23 have the adult sex offender immediately remanded to his or her  
24 custody at the time of release. Any adult sex offender charged  
25 with violating this section may only be released on bond on  
26 the condition that the adult sex offender is in compliance  
27 with this section before being released.

b. If the adult sex offender has accumulated correctional incentive time pursuant to Section 14-9-41 of the Code of Alabama 1975, or any other law, the adult sex offender shall be charged with non-compliance with this section and shall not be allowed early release, but instead shall forfeit all correctional incentive time that has accrued pursuant to Section 14-9-41, or other good time allowed by law.

(b) An adult sex offender who fails to comply with this section by failing to provide the required registration information shall be guilty of a Class C felony.

Section 10. (a) (1) Immediately upon release from incarceration, or immediately upon conviction if the adult sex offender is not incarcerated, the adult sex offender shall appear in person and register all required registration information with local law enforcement in each county in which the adult sex offender resides or intends to reside, accepts or intends to accept employment, and begins or intends to begin school attendance.

(2) An adult sex offender who registers pursuant to subdivision (1) shall have 7 days from release to comply with the residence restrictions pursuant to subsection (a) of Section 11.

(b) Immediately upon establishing a new residence, accepting employment, or beginning school attendance, the adult sex offender shall appear in person to register with local law enforcement in each county in which the adult sex

1 offender establishes a residence, accepts employment, or  
2 begins school attendance.

3 (c) (1) Immediately upon transferring or terminating  
4 any residence, employment, or school attendance, the adult sex  
5 offender shall appear in person to notify local law  
6 enforcement in each county in which the adult sex offender is  
7 transferring or terminating residence, employment, or school  
8 attendance.

9 (2) Whenever a sex offender transfers his or her  
10 residence, as provided in subdivision (1) from one county to  
11 another county, the sheriff of the county from which the sex  
12 offender is transferring his or her residence shall  
13 immediately notify local law enforcement in the county in  
14 which the sex offender intends to reside. If a sex offender  
15 transfers his or her residence, as provided in subdivision (1)  
16 from one county to another jurisdiction, the sheriff of the  
17 county from which the sex offender is transferring his or her  
18 residence shall immediately notify the chief law enforcement  
19 agency in the jurisdiction in which the sex offender intends  
20 to reside.

21 (d) Immediately upon any name change, the adult sex  
22 offender shall immediately appear in person to update the  
23 information with local law enforcement in each county in which  
24 the adult sex offender is required to register.

25 (e) Upon changing any required registration  
26 information the adult sex offender shall immediately appear in

1 person and update the information with local law enforcement  
2 in each county in which the adult sex offender resides.

3 (f) An adult sex offender shall appear in person to  
4 verify all required registration information during the adult  
5 sex offender's birth month and every three months thereafter,  
6 regardless of the month of conviction, for the duration of the  
7 adult sex offender's life with local law enforcement in each  
8 county in which the adult sex offender resides.

9 (g) At the time of registration, the adult sex  
10 offender shall be provided a form explaining any and all  
11 duties and restrictions placed on the adult sex offender. The  
12 adult sex offender shall read and sign this form stating that  
13 he or she understands the duties and restrictions imposed by  
14 this act. If the adult sex offender refuses to sign the form,  
15 the designee of the registering agency shall sign the form  
16 stating that the requirements have been explained to the adult  
17 sex offender and that the adult sex offender refused to sign.

18 (h) For purposes of this section, a school includes  
19 an educational institution, public or private, including a  
20 secondary school, a trade or professional school, or an  
21 institution of higher education.

22 (i) If an adult sex offender was convicted and  
23 required to register prior to July 1, 2011, then the adult sex  
24 offender shall begin quarterly registration after his or her  
25 next biannual required registration date.

26 (j) Any person who violates this section shall be  
27 guilty of a Class C felony.

Section 11. (a) No adult sex offender shall establish a residence, maintain a residence after release or conviction, or establish any other living accommodation within 2,000 feet of the property on which any school or childcare facility is located unless otherwise exempted pursuant to Sections 23 and 24.

(b) No adult sex offender shall establish a residence, maintain a residence after release or conviction, or establish any other living accommodation within 2,000 feet of the property on which his or her former victim, or an immediate family member of the victim, resides unless otherwise exempted pursuant to Section 24.

(c) Changes to property within 2,000 feet of a registered address of an adult sex offender which occur after the adult sex offender establishes residency shall not form the basis for finding that the adult sex offender is in violation of this section.

(d) No adult sex offender shall establish or maintain a residence or any other living accommodation with a minor. For the purpose of this subsection, living accommodation includes, but is not limited to, any overnight visit with a minor. Notwithstanding the foregoing, an adult sex offender may reside with a minor if the adult sex offender is the parent, grandparent, stepparent, sibling, or stepsibling of the minor, unless one of the following conditions applies:

(1) Parental rights of the adult sex offender have been or are in the process of being terminated as provided by law.

(2) The adult sex offender has been convicted of any sex offense in which any of the minor children, grandchildren, stepchildren, siblings, or stepsiblings of the adult sex offender were the victim.

(3) The adult sex offender has been convicted of any sex offense in which a minor was the victim and the minor resided or lived with the adult sex offender at the time of the offense.

(4) The adult sex offender has been convicted of any sex offense involving a child, regardless of whether the adult sex offender was related to or shared a residence with the child victim.

(5) The adult sex offender has been convicted of any sex offense involving forcible compulsion in which the victim was a minor.

(e) Notwithstanding any other provision of law regarding establishment of residence, an adult sex offender shall be deemed to have established a residence in any of the following circumstances:

(1) Wherever an adult sex offender resides for three or more consecutive days.

(2) Wherever an adult sex offender resides following release, regardless of whether the adult sex offender resided at the same location prior to the time of conviction.

(3) Whenever an adult sex offender spends 10 or more aggregate days at a location during a calendar month.

(4) Whenever an adult sex offender vacates or fails to spend three or more consecutive days at his or her residence without previously notifying local law enforcement pursuant to Section 15.

(f) An adult sex offender is exempt from subsections (a) and (b) during the time an adult sex offender is admitted to a hospital or is incarcerated in a jail, prison, mental health facility, or any other correctional placement facility wherein the adult sex offender is not allowed unsupervised access to the public.

(g) For the purposes of this section, the 2,000-foot measurement shall be taken in a straight line from nearest property line to nearest property line.

(h) Any person who violates this section shall be guilty of a Class C felony.

Section 12. (a) An adult sex offender who no longer has a fixed residence shall be considered homeless and shall appear in person and report such change in fixed residence to local law enforcement where he or she is located immediately upon such change in fixed residence.

(b) In addition to complying with the registration and verification requirements pursuant to Section 10, a homeless adult sex offender who lacks a fixed residence, or who does not provide an address at a fixed residence at the time of release or registration, shall report in person once

1 every seven days to local law enforcement where he or she  
2 resides. The weekly report shall be on a day specified by  
3 local law enforcement and shall occur during normal business  
4 hours.

5 (c) A homeless adult sex offender who lacks a fixed  
6 address shall comply with the residence restrictions set forth  
7 in Section 11.

8 (d) (1) Each time a homeless adult sex offender  
9 reports under this section, he or she shall provide all of the  
10 following information:

11 a. Name.  
12 b. Date of birth.  
13 c. Social Security number.  
14 d. A detailed description of the location or  
15 locations where he or she has resided during the week.

16 e. A list of the locations where he or she plans to  
17 reside in the upcoming week with as much specificity as  
18 possible.

19 (2) The registering agency is not required to obtain  
20 the remaining required registration information from the  
21 homeless adult sex offender each time he or she reports to the  
22 registering agency unless the homeless adult sex offender has  
23 any changes to the remaining required registration  
24 information.

25 (e) If an adult sex offender who was homeless  
26 obtains a fixed address in compliance with the provisions of  
27 Section 11, the adult sex offender shall immediately appear in

1 person to update the information with local law enforcement in  
2 each county of residence.

3 (f) Any person who violates this section shall be  
4 guilty of a Class C felony.

5 Section 13. (a) No adult sex offender shall apply  
6 for, accept, or maintain employment or vocation or volunteer  
7 at any school, childcare facility, or any other mobile vending  
8 business or organization that provides services primarily to  
9 children.

10 (b) No adult sex offender shall apply for, accept,  
11 or maintain employment or volunteer for any employment or  
12 vocation within 2,000 feet of the property on which a school  
13 or childcare facility is located unless otherwise exempted  
14 pursuant to Sections 24 and 25.

15 (c) No adult sex offender, after having been  
16 convicted of a sex offense involving a child, shall apply for,  
17 accept, or maintain employment or vocation or volunteer for  
18 any employment or vocation within 500 feet of a playground,  
19 park, athletic field or facility, or any other business or  
20 facility having a principal purpose of caring for, educating,  
21 or entertaining minors.

22 (d) Changes to property within 2,000 feet of an  
23 adult sex offender's place of employment which occur after an  
24 adult sex offender accepts employment shall not form the basis  
25 for finding that an adult sex offender is in violation of this  
26 section.

(e) It shall be unlawful for the owner or operator of any childcare facility or any other organization that provides services primarily to children to knowingly employ or accept volunteer services from an adult sex offender.

(f) For purposes of this section, the 2,000-foot measurement shall be taken in a straight line from nearest property line to nearest property line.

(g) Any person who violates this section shall be guilty of a Class C felony.

Section 14. (a) Any adult sex offender who enters this state and establishes a residence shall immediately appear in person and register all required registration information with local law enforcement in the county of residence.

(b) Any adult sex offender who enters this state to accept employment, carry on a vocation, or to become a student and who has not established a residence in this state shall immediately appear in person and register all required registration information with local law enforcement in the county where the adult sex offender accepts employment, carries on a vocation, or becomes a student.

(c) Whenever an adult sex offender registers pursuant to this section, he or she shall be subject to the requirements of this act.

(d) Within 30 days of initial registration, the adult sex offender shall provide each registering agency with a certified copy of his or her conviction; however, an adult

1 sex offender shall be exempt from this subsection if the adult  
2 sex offender provides adequate documentation that the  
3 certified record is no longer available or has been destroyed.

4 (e) Any person who violates this section shall be  
5 guilty of a Class C felony.

6 Section 15. (a) If an adult sex offender intends to  
7 temporarily be away from his or her county of residence for a  
8 period of three or more consecutive days, the adult sex  
9 offender shall report such information in person immediately  
10 prior to leaving his or her county of residence for such  
11 travel to local law enforcement in each county of residence.

12 (b) The adult sex offender shall complete a travel  
13 permit form immediately prior to travel and provide the dates  
14 of travel and temporary lodging information.

15 (c) If the adult sex offender intends to travel to  
16 another country, he or she shall report in person to local law  
17 enforcement in each county of residence at least 21 days prior  
18 to such travel. Any information reported to local law  
19 enforcement in each county of residence shall immediately be  
20 reported to the United States Marshals Service and the  
21 Department of Public Safety.

22 (d) The travel permit shall explain the duties of  
23 the adult sex offender regarding travel. The adult sex  
24 offender shall sign the travel permit stating that he or she  
25 understands the duties required of him or her. If the adult  
26 sex offender refuses to sign the travel permit form, the  
27 travel permit shall be denied.

(e) The sheriff in each county of residence shall immediately notify local law enforcement in the county or the jurisdiction to which the adult sex offender will be traveling.

(f) Upon return to the county of residence, the adult sex offender shall immediately report to local law enforcement in each county of residence.

(g) All travel permits shall be included with the adult sex offender's required registration information.

(h) Any person who violates this section shall be guilty of a Class C felony.

Section 16. (a) No adult sex offender shall contact, directly or indirectly, in person or through others, by phone, mail, or electronic means, any former victim. No sex offender shall make any harassing communication, directly or indirectly, in person or through others, by phone, mail, or electronic means to any immediate family member of the victim.

(b) No adult sex offender shall knowingly come within 100 feet of a former victim.

(c) Any person who violates this section shall be guilty of a Class C felony.

Section 17. (a) No adult sex offender, after having been convicted of a sex offense involving a minor, shall loiter on or within 500 feet of the property line of any property on which there is a school, childcare facility, playground, park, athletic field or facility, school bus stop, college or university, or any other business or facility

having a principal purpose of caring for, educating, or entertaining minors.

(b) Under this section, loiter means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose. An adult sex offender does not violate this section unless he or she has first been asked to leave a prohibited location by a person authorized to exclude the adult sex offender from the premises. An authorized person includes, but is not limited to, any law enforcement officer, security officer, any owner or manager of the premises, a principal, teacher, or school bus driver if the premises is a school, childcare facility, or bus stop, a coach, if the premises is an athletic field or facility, or any person designated with that authority.

(c) For purposes of this section, a school bus stop is any location where a motor vehicle owned or operated by or on behalf of a public or private school stops on a regular basis for the purpose of transporting children to and from school.

(d) Any person who violates this section shall be guilty of a Class C felony.

Section 18. (a) Every adult sex offender who is a resident of this state shall obtain, and always have in his or her possession, a valid driver license or identification card issued by the Department of Public Safety. If any adult sex offender is ineligible to be issued a driver license or

1 official identification card, the Department of Public Safety  
2 shall provide the adult sex offender some other form of  
3 identification card or documentation that, if it is kept in  
4 the possession of the adult sex offender, shall satisfy the  
5 requirements of this section. If any adult sex offender is  
6 determined to be indigent, an identification card, or other  
7 form of identification or documentation that satisfies the  
8 requirements of this section, shall be issued to the adult sex  
9 offender at no cost. Indigence shall be determined by order of  
10 the court prior to each issuance of a driver license or  
11 identification card.

12 (b) The adult sex offender shall immediately obtain  
13 a valid driver license or identification card upon his or her  
14 initial registration following release, initial registration  
15 upon entering the state to become a resident, or immediately  
16 following his or her next registration after July 1, 2011.

17 (c) Whenever the Department of Public Safety issues  
18 or renews a driver license or identification card to an adult  
19 sex offender, the driver license or identification card shall  
20 bear a designation that enables law enforcement officers to  
21 identify the licensee as a sex offender.

22 (d) Upon obtaining or renewing a driver license or  
23 identification card bearing a designation that enables law  
24 enforcement officers to identify the licensee as a sex  
25 offender, the adult sex offender shall relinquish to the  
26 Department of Public Safety any other driver license or  
27 identification card previously issued to him or her which does

1 not bear any designation enabling law enforcement officers to  
2 identify the licensee as a sex offender.

3 (e) No adult sex offender shall mutilate, mar,  
4 change, reproduce, alter, deface, disfigure, or otherwise  
5 change the form of any driver license or identification card  
6 which is issued to the adult sex offender and which bears any  
7 designation enabling law enforcement officers to identify the  
8 licensee as a sex offender. An adult sex offender having in  
9 his or her possession a driver license or identification card  
10 issued to him or her by the Department of Public Safety  
11 bearing any designation enabling law enforcement officers to  
12 identify the licensee as a sex offender which has been  
13 mutilated, marred, changed, reproduced, altered, defaced,  
14 disfigured, or otherwise changed shall be *prima facie* evidence  
15 that he or she has violated this section.

16 (f) Any person who violates this section shall be  
17 guilty of a Class C felony.

18 Section 19. (a) The state, upon conviction and prior  
19 to sentencing, may petition the sentencing court to enter an  
20 order declaring a person adjudicated or convicted in this  
21 state of a sexually violent or predatory offense as a sexually  
22 violent predator.

23 (b) At sentencing, a court may declare a person to  
24 be a sexually violent predator. For the purposes of this  
25 section, a person is a sexually violent predator if either of  
26 the following applies:

(1) The person is a repeat sexually violent offender.

(2) The person commits a sexually violent offense and is likely to engage in one or more sexually violent offenses in the future.

(c) A person is a repeat sexually violent offender for the purposes of this section if the person is convicted of more than one sexually violent offense.

(d) For the purposes of this section, a sexually violent offense is any of the following:

(1) A sex offense committed by forcible compulsion, violence, duress, menace, fear of immediate bodily injury to the victim or another person, or threatening to retaliate in the future against the victim or any other person.

(2) A sex offense involving a child.

(3) Any sex offense involving the enticement or solicitation of a minor for sexual purposes.

(4) Any sex offense that is predatory in nature.

(5) Any solicitation, attempt, or conspiracy to commit any of the offenses listed in subdivisions (1) to (4).

(6) Any other offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the person's offense should be considered a sexually violent offense.

(e) Any of the following factors may be considered as evidence tending to indicate that there is a likelihood

that the person will engage in the future in one or more sexually violent offenses:

(1) The person has been convicted two or more times, in separate criminal actions, of a sexually violent offense. For purposes of this subdivision, convictions that result from or are connected with the same act or result from offenses committed at the same time are one conviction.

(2) The person has been convicted of a sexually violent offense involving two or more victims regardless of when the acts or convictions occurred.

(3) Available information or evidence suggests that the person chronically commits offenses with a sexual motivation.

(4) The person has committed one or more offenses in which the person has tortured or engaged in ritualistic acts with one or more victims.

(5) The person has committed one or more sex offenses in which one or more victims were physically harmed to the degree that the particular victim's life was in jeopardy.

(6) Any other evidence deemed relevant by the court.

(f) If the state so petitions, it shall present clear and convincing evidence that the sex offender is likely to engage in one or more future sexually violent offenses or is likely to engage in future predatory sex offenses.

(g) Any sex offender determined in any other state to be a sexually violent predator shall be considered a sexually violent predator in this state.

(h) A sexually violent predator, as a condition of the sex offender's release from incarceration, shall be subject to electronic monitoring and be required to pay the costs of such monitoring, as set forth in Section 20, for a period of no less than 10 years from the date of the sexually violent predator's release. This requirement shall be imposed by the sentencing court as a part of the sexually violent predator's sentence, as provided in subsection (c) of Section 13A-5-6, Code of Alabama 1975, and Section 20.

Section 20. (a) The Alabama Criminal Justice Information Center shall implement a system of active and passive electronic monitoring that identifies the location of a monitored person and that can produce upon request reports or records of the person's presence near or within a crime scene or prohibited area, the person's departure from specified geographic limitations, or curfew violations by the offender. The Director of the Criminal Justice Information Center may promulgate any rules as are necessary to implement and administer this system of active electronic monitoring including establishing policies and procedures to notify the person's probation and parole officer or other court-appointed supervising authority when a violation of his or her electronic monitoring restrictions has occurred.

(b) The Board of Pardons and Paroles or a court may require, as a condition of release on parole, probation, community corrections, court referral officer supervision, pretrial release, or any other community-based punishment option, that any person charged or convicted of a sex offense be subject to electronic monitoring as provided in subsection (a).

(c) Any person designated a sexually violent predator pursuant to Section 19, upon release from incarceration, shall be subject to electronic monitoring supervised by the Board of Pardons and Paroles, as provided in subsection (a), for a period of no less than 10 years from the date of the sexually violent predator's release. This requirement shall be imposed by the sentencing court as a part of the sentence of the sexually violent predator in accordance with subsection (c) of Section 13A-5-6, Code of Alabama 1975.

(d) Any person convicted of a Class A felony sex offense involving a child as defined in Section 4, upon release from incarceration, shall be subject to electronic monitoring supervised by the Board of Pardons and Paroles, as provided in subsection (a), for a period of no less than 10 years from the date of the sex offender's release. This requirement shall be imposed by the sentencing court as a part of the sex offender's sentence in accordance with subsection (c) of Section 13A-5-6, Code of Alabama 1975.

(e) Anyone subject to electronic monitoring pursuant to this section, unless he or she is indigent, shall be

1 required to reimburse the supervising entity a reasonable fee  
2 to defray supervision costs. The Board of Pardons and Paroles,  
3 the sentencing court, or other supervising entity shall  
4 determine the amount to be paid based on the financial means  
5 and ability to pay of the person, but such amount shall not  
6 exceed fifteen dollars (\$15) per day.

7 (f) The supervising entity shall pay the Criminal  
8 Justice Information Center a fee, to be determined by the  
9 center, but not exceeding ten dollars (\$10) per day, to defray  
10 monitoring equipment and telecommunications costs.

11 (g) It shall constitute a Class C felony for any  
12 person to alter, disable, deactivate, tamper with, remove,  
13 damage, or destroy any device used to facilitate electronic  
14 monitoring under this section.

15 (h) The procurement of any product or services  
16 necessary for compliance with Act 2005-301, including any  
17 system of electronic monitoring, any equipment, and the  
18 building of a website, shall be subject to the competitive bid  
19 process.

20 Section 21. (a) Immediately upon the release of an  
21 adult sex offender or immediately upon notice of where the  
22 adult sex offender plans to establish, or has established a  
23 residence, the following procedures shall apply:

24 (1) In the Cities of Birmingham, Mobile, Huntsville,  
25 and Montgomery, the chief of police shall notify all persons  
26 who have a legal residence within 1,000 feet of the declared  
27 residence of the adult sex offender and all schools and

childcare facilities within three miles of the declared residence of the adult sex offender that the adult sex offender will be establishing or has established his or her residence.

(2) In all other cities in Alabama with a resident population of 5,000 or more, the chief of police, or if none, then the sheriff of the county, shall notify all persons who have a legal residence within 1,500 feet of the declared residence of the adult sex offender and all schools and childcare facilities within three miles of the declared residence of the adult sex offender that the adult sex offender will be establishing or has established his or her residence.

(3) In all other municipalities with a resident population of less than 5,000, and in all unincorporated areas, the sheriff of the county in which the adult sex offender intends to reside shall notify all persons who have a legal residence within 2,000 feet of the declared residence of the adult sex offender and all schools and childcare facilities within three miles of the declared residence of the adult sex offender that the adult sex offender will be establishing or has established his or her residence.

(b) A community notification flyer shall be made by regular mail or hand delivered to all legal residences required by this section and include registration information pursuant to Section 8. In addition, any other method reasonably expected to provide notification may be utilized,

1 including, but not limited to, posting a copy of the notice in  
2 a prominent place at the office of the sheriff and at the  
3 police station closest to the declared residence of the  
4 released adult sex offender, publicizing the notice in a local  
5 newspaper, posting electronically, including the Internet, or  
6 other means available.

7 (c) Nothing in this act shall be construed as  
8 prohibiting the Director of the Department of Public Safety, a  
9 sheriff, or a chief of police from providing community  
10 notification under the provisions of this act by regular mail,  
11 electronically, or by publication or periodically to persons  
12 whose legal residence is within the guidelines of this act or  
13 more than the applicable distance from the residence of an  
14 adult sex offender.

15 Section 22. (a) An adult sex offender shall pay a  
16 registration fee in the amount of ten dollars (\$10) to each  
17 registering agency where the adult sex offender resides  
18 beginning with the first quarterly registration on or after  
19 July 1, 2011, and at each quarterly registration thereafter.

20 (b) Each time an adult sex offender terminates his  
21 or her residence and establishes a new residence, he or she  
22 shall pay a registration fee in the amount of ten dollars  
23 (\$10) to each registering agency where the adult sex offender  
24 establishes a new residence.

25 (c) If, at the time of registration, the adult sex  
26 offender is unable to pay the registration fee, the  
27 registering agency may require the adult sex offender to pay

1 the fee in installments not to exceed 90 days. The registering  
2 agency shall waive the registration fee if the adult sex  
3 offender has an order from the court declaring his or her  
4 indigence. In the event the adult sex offender is determined  
5 to be indigent, a periodic review of the adult sex offender's  
6 indigent status shall be conducted by the court to determine  
7 if the offender is no longer indigent. Further, if the  
8 offender is determined to be indigent by the sentencing court,  
9 nothing in this act shall prohibit the offender from being  
10 placed on a payment plan where the entire fee is collected in  
11 total.

12 (d) The fees collected under this section shall be  
13 appropriated to the registering agency to defray the costs of  
14 sex offender registration, verification, and notification.

15 (e) Any person who willfully fails to pay the  
16 required registration fee at the time of registration, or at  
17 the time at which the installment payment is due, shall be  
18 guilty of a Class B misdemeanor. Upon a second or subsequent  
19 conviction for willful failure to pay the required  
20 registration fee, the adult sex offender shall be guilty of a  
21 Class A misdemeanor.

22 Section 23. (a) A sex offender required to register  
23 under this act may petition the court for relief from the  
24 residency restriction pursuant to subsection (a) of Section 11  
25 during the time a sex offender is terminally ill or  
26 permanently immobile.

(b) A petition for relief pursuant to this section shall be filed in the circuit court of the county in which the sex offender seeks relief from the residency restriction.

(c) The sex offender shall serve a copy of the petition by certified mail on all of the following:

(1) The prosecuting attorney in the county of conviction, if the sex offender was adjudicated or convicted in this state.

(2) The prosecuting attorney of the county where the sex offender seeks relief from the residency restriction.

(3) Local law enforcement where the sex offender was adjudicated or convicted if the sex offender was adjudicated or convicted in this state.

(4) Local law enforcement where the adult sex offender seeks relief from the residency restriction.

(d) The petition and documentation to support the request for relief shall include all of the following:

(1) A certified copy of the adjudication or conviction requiring registration, including a detailed description of the sex offense.

(2) A list of each county, municipality, and jurisdiction where the sex offender is required to register or has ever been required to register.

(3) The sex offender's criminal record and an affidavit stating that the sex offender has no pending criminal charges.

(4) Notarized documentation of the sex offender's condition by his or her medical provider.

(5) A release allowing the prosecuting attorney or the court to obtain any other medical records or documentation relevant to the petition.

(6) Any other information requested by the court relevant to the petition.

(e) Upon notification of the petition, the prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the sex offender is required to register of the petition and the dates and times of any hearings or other proceedings in connection with the petition.

(f) The court shall hold a hearing within 30 days of the filing of the petition. Upon request of the prosecuting attorney, and for good cause shown, the hearing may be continued to allow the prosecuting attorney to obtain any relevant records pertinent to the hearing. At the hearing the prosecuting attorney and the victim shall have the opportunity to be heard.

(g) The court may issue an order releasing the sex offender from any of the residency restrictions pursuant to subsection (a) of Section 11 if the court finds by clear and convincing evidence that the sex offender does not pose a substantial risk of perpetrating any future dangerous sexual offense or that the sex offender is not likely to reoffend. The court may relieve a sex offender from any residency restrictions indefinitely or for a specific period of time.

(h) The court shall send a copy of any order releasing a sex offender from any residency restrictions pursuant to subsection (a) of Section 11 to the prosecuting attorney and the Department of Public Safety.

(i) If the court finds that the sex offender still poses a risk, has provided false or misleading information in support of the petition, or failed to serve the petition and supporting documentation upon the parties as provided for in subsection (c), then the petition shall be denied.

(j) If the petition for release is denied, the sex offender may not file a subsequent petition for at least 12 months from the date of the final order on the previous petition unless good cause is shown and the sex offender's mental or physical condition has severely changed.

(k) If at any time the sex offender is no longer terminally ill or permanently immobile, the sex offender shall immediately register in person with local law enforcement in each county of residence and update all required registration information.

(1) No sex offender petitioning the court under this section for an order terminating the sex offender's obligation to comply with the residency restrictions is entitled to court-appointed counsel, publicly funded experts, or publicly funded witnesses.

(m) The state may petition the court to reinstate the restrictions pursuant to subsection (a) of Section 11 for good cause shown.

(n) Notwithstanding any state or local rule assigning costs and fees for filing and processing civil and criminal cases, a petition filed 30 or more days after sentencing shall be assessed a filing fee in the amount of two hundred dollars (\$200) to be distributed as provided in Section 47.

(o) If a sex offender seeks relief from the court pursuant to this section, the enforcement of this act shall not be stayed pending a ruling of the court.

(p) A person who provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

Section 24. (a) At sentencing, upon completion of probation, or upon completion of a term of registration ordered by the sentencing court, a sex offender may petition the sentencing court for relief from registration and notification resulting from any of the following offenses, provided that he or she meets the requirements set forth in subsection (b):

(1) Rape in the second degree, as provided by subdivision (1) of subsection (a) of Section 13A-6-62, Code of Alabama 1975.

(2) Sodomy in the second degree, as provided by subdivision (1) of subsection (a) of Section 13A-6-64, Code of Alabama 1975.

(3) Sexual abuse in the second degree, as provided by subdivision (2) of subsection (a) of Section 13A-6-67, Code of Alabama 1975.

(4) Sexual misconduct, as provided by Section 13A-6-65, Code of Alabama 1975.

(5) Any crime committed in this state or any other jurisdiction which, if had been committed in this state under the current provisions of law, would constitute an offense listed in subdivisions (1) to (4).

(6) Any solicitation, attempt, or conspiracy to commit any of the offenses listed in subdivisions (1) to (5).

(b) The sex offender shall prove by clear and convincing evidence all of the following to be eligible for relief under this section:

(1) The sex offense did not involve force and was only a crime due to the age of the victim.

(2) At the time of the commission of the sex offense, the victim was 13 years of age or older.

(3) At the time of the commission of the sex offense, the sex offender was not more than four years older than the victim.

(c) The petition for relief shall be filed as follows:

(1) If the sex offender was adjudicated or convicted in this state, the petition for relief shall be filed in the circuit court of the county in which the sex offender was adjudicated or convicted.

(2) If the sex offender was adjudicated or convicted in a jurisdiction outside of this state, the petition for relief shall be filed in the circuit court of the county in which the sex offender resides.

(d) (1) The sex offender shall serve a copy of the petition by certified mail on all of the following:

a. The prosecuting attorney in the county of adjudication or conviction, if the sex offender was adjudicated or convicted in this state.

b. The prosecuting attorney of the county where the sex offender resides.

c. Local law enforcement where the sex offender was adjudicated or convicted, if the sex offender was adjudicated or convicted in this state.

d. Local law enforcement where the adult sex offender resides.

(2) Failure of the sex offender to serve a copy of the petition as required by this subsection shall result in an automatic denial of the petition.

(e) The petition and documentation to support the request for relief shall include all of the following:

(1) The offense that the sex offender was initially charged with and the offense that the sex offender was adjudicated or convicted of, if different.

(2) A certified copy of the adjudication or conviction requiring registration including a detailed

1 description of the sex offense, if the petition is filed upon  
2 completion of probation or a term of registration.

3 (3) Proof of the age of the victim and the age of  
4 the sex offender at the time of the commission of the sex  
5 offense.

6 (4) A list of each registering agency in each county  
7 and jurisdiction in which the sex offender is required to or  
8 has ever been required to register, if the petition is filed  
9 upon completion of probation or a term of registration.

10 (5) The sex offender's criminal record and an  
11 affidavit stating that the sex offender has no pending  
12 criminal charges.

13 (6) Any other information requested by the court  
14 relevant to the request for relief.

15 (f) Upon notification of the petition, the  
16 prosecuting attorney shall make reasonable efforts to notify  
17 the victim of the crime for which the sex offender is required  
18 to register of the petition and the dates and times of any  
19 hearings or other proceedings in connection with the petition.

20 (g) The court shall hold a hearing prior to ruling  
21 on the petition. At the hearing, the prosecuting attorney and  
22 the victim shall have the opportunity to be heard.

23 (h) In determining whether to grant relief, the  
24 court may consider any of the following:

25 (1) Recommendations from the sex offender's  
26 probation officer, including, but not limited to, the

1 recommendations in the presentence investigation report and  
2 the sex offender's compliance with supervision requirements.

3 (2) Recommendations from the prosecuting attorney.

4 (3) Any written or oral testimony submitted by the  
5 victim or the parent, guardian, or custodian of the victim.

6 (4) The facts and circumstances surrounding the  
7 offense.

8 (5) The relationship of the parties.

9 (6) The criminal history of the sex offender.

10 (7) The protection of society.

11 (8) Any other information deemed relevant by the  
12 court.

13 (i) The court may grant full or partial relief from  
14 this act. If the court grants relief, the court shall enter an  
15 order detailing the relief granted and provide a copy of the  
16 order to the prosecuting attorney and the Department of Public  
17 Safety.

18 (j) If the court denies the petition, the sex  
19 offender may not petition the court again until 12 months  
20 after the date of the order denying the petition.

21 (k) A sex offender is not eligible for relief under  
22 this section if he or she was adjudicated or convicted of a  
23 sex offense previous to or subsequent to the offense of which  
24 he or she is petitioning the court for relief or has any  
25 pending criminal charges for any sex offense as defined in  
26 Section 5.

(1) If a sex offender was adjudicated or convicted of any of the offenses specified in subsection (a) prior to July 1, 2011, and meets the eligibility requirements specified in subsection (b), the sex offender may petition the court for relief pursuant to this section.

(m) Notwithstanding any state or local law or rule assigning costs and fees for filing and processing civil and criminal cases, a petition filed 30 or more days after sentencing shall be assessed a filing fee in the amount of two hundred dollars (\$200) to be distributed as provided in Section 47.

(n) If a sex offender seeks relief from the court pursuant to this section, the enforcement of this act shall not be stayed pending a ruling of the court.

(o) Any person who provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

Section 25. (a) A sex offender may petition the circuit court in the county where the sex offender seeks to accept or maintain employment for relief from the employment restrictions pursuant to subsection (b) of Section 13. A sex offender adjudicated or convicted of any of the following sex offenses shall not be entitled to relief under this section:

(1) Rape in the first degree, as provided by Section 13A-6-61, Code of Alabama 1975.

(2) Sodomy in the first degree, as provided by Section 13A-6-63, Code of Alabama 1975.

(3) Sexual abuse in the first degree, as provided by Section 13A-6-66, Code of Alabama 1975.

(4) Sex abuse of a child less than 12 years old, as provided by Section 13A-6-69.1, Code of Alabama 1975.

(5) Sexual torture, as provided by Section 13A-6-65.1, Code of Alabama 1975.

(6) Any sex offense involving a child.

(7) Any solicitation, attempt, or conspiracy to commit any of the offenses listed in subdivisions (1) to (6).

(8) Any offense committed in any other jurisdiction which, if it had been committed in this state under the current provisions of law, would constitute an offense listed in subdivisions (1) to (7).

(b) (1) The sex offender shall serve a copy of the petition by certified mail on all of the following:

a. The prosecuting attorney in the county of adjudication or conviction, if the sex offender was adjudicated or convicted in this state.

b. The prosecuting attorney of the county in which the sex offender seeks to accept or maintain employment.

c. Local law enforcement where the sex offender was adjudicated or convicted, if the sex offender was adjudicated or convicted in this state.

d. Local law enforcement where the sex offender seeks to accept or maintain employment.

(2) Failure of the sex offender to serve a copy of the petition as required by this subsection shall result in an automatic denial of the petition.

(c) The petition and documentation to support the petition shall include all of the following:

(1) A certified copy of the adjudication or conviction requiring registration, including a detailed description of the sex offense, if the petition is filed after sentencing.

(2) A list of each registering agency in each county and jurisdiction in which the sex offender is required to register or has ever been required to register, if the petition is filed after conviction.

(3) The sex offender's criminal record and an affidavit stating that the sex offender has no pending criminal charges.

(4) The location where the sex offender is employed or intends to obtain employment.

(5) Justification as to why the court should grant relief.

(6) Any other information requested by the court relevant to the petition.

(d) Upon notification of the petition, the prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the sex offender is required to register of the petition and the dates and times of any hearings or other proceedings in connection with the petition.

(e) The court shall hold a hearing prior to ruling on the petition. At the hearing, the prosecuting attorney and the victim shall have the opportunity to be heard.

(f) The court may consider any of the following factors in determining whether to grant relief:

(1) The nature of the offense.

(2) Past criminal history of the sex offender.

(3) The location where the sex offender is employed or intends to obtain employment.

(4) Any other information deemed relevant by the court.

(g) If the court grants the petition, the court shall enter an order detailing the relief granted and provide a copy of the order to the prosecuting attorney where the petition was filed and to the Department of Public Safety.

(h) A sex offender is not eligible for relief under this section if he or she was adjudicated or convicted of a sex offense previous to or subsequent to the offense of which he or she is petitioning the court for relief or has any pending criminal charges for any sex offense.

(i) The state may petition the court to reinstate the restrictions pursuant to subsection (b) of Section 13 for good cause shown.

(j) Notwithstanding any state or local law or rule assigning costs and fees for filing and processing civil and criminal cases, a petition filed 30 or more days after sentencing shall be assessed a filing fee in the amount of two

1 hundred dollars (\$200) to be distributed as provided in  
2 Section 47.

3 (k) If a sex offender seeks relief from the court  
4 pursuant to this section, the enforcement of this act shall  
5 not be stayed pending a ruling of the court.

6 (l) A person who provides false or misleading  
7 information pursuant to this section shall be guilty of a  
8 Class C felony.

9 Section 26. (a) Upon adjudication of delinquency for  
10 a sex offense, a juvenile sex offender shall be required to  
11 receive sex offender treatment by a licensed sex offender  
12 treatment program.

13 (b) Upon completion of sex offender treatment, the  
14 juvenile sex offender shall be required to undergo a sex  
15 offender risk assessment. The treatment provider shall provide  
16 a copy of the risk assessment to the sentencing court, the  
17 prosecuting attorney, and the juvenile probation officer 60  
18 days prior to the projected release of the juvenile sex  
19 offender.

20 (c) Upon receiving the risk assessment, the juvenile  
21 probation officer shall immediately notify the attorney for  
22 the juvenile sex offender and either the parent, guardian, or  
23 custodian of the juvenile sex offender of the pending release  
24 of the juvenile sex offender and provide them with a copy of  
25 the risk assessment.

26 (d) Within 60 days of receiving the risk assessment,  
27 the court shall conduct a hearing to determine the risk of the

1 juvenile sex offender to the community and the level of  
2 notification that shall apply.

3 (e) No juvenile sex offender shall be removed from  
4 the supervision of the court until such time as the juvenile  
5 sex offender has completed treatment, the treatment provider  
6 has filed a risk assessment with the court, and the court has  
7 conducted a hearing to determine the risk of the juvenile sex  
8 offender to the community and the level of notification that  
9 shall apply.

10 Section 27. (a) In determining whether to apply  
11 notification requirements to a juvenile sex offender, the  
12 sentencing court shall consider any of the following factors  
13 relevant to the risk of re-offense:

14 (1) Conditions of release that minimize the risk of  
15 re-offense, including, but not limited to, whether the  
16 juvenile sex offender is under supervision of probation or  
17 parole; receiving counseling, therapy, or treatment; or  
18 residing in a home situation that provides guidance and  
19 supervision.

20 (2) Physical conditions that minimize the risk of  
21 re-offense, including, but not limited to, advanced age or  
22 debilitating illness.

23 (3) Criminal history factors indicative of high risk  
24 of re-offense, including whether the conduct of the juvenile  
25 sex offender was found to be characterized by repetitive and  
26 compulsive behavior.

(4) Whether psychological or psychiatric profiles indicate a risk of recidivism.

(5) The relationship between the juvenile sex offender and the victim.

(6) The particular facts and circumstances surrounding the offense.

(7) The level of planning and participation in the offense.

(8) Whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury.

(9) The number, date, and nature of prior offenses.

(10) The response to treatment of the juvenile sex offender.

(11) Recent behavior, including behavior while confined or while under supervision in the community.

(12) Recent threats against persons or expressions of intent to commit additional crimes.

### (13) The protection of society.

(14) Any other factors deemed relevant by the court.

(b) If the sentencing court determines that the juvenile sex offender shall be subject to notification, the level of notification shall be applied as follows:

(1) If the risk of re-offense is low, notification that the juvenile sex offender will be establishing or has established his or her residence shall be provided to the principal of the school where the juvenile sex offender will attend after release. This notification shall include the

1 name, actual living address, date of birth of the juvenile sex  
2 offender, and a statement of the sex offense for which he or  
3 she has been adjudicated delinquent, including the age and  
4 gender of the victim. This information shall be considered  
5 confidential by the school and be shared only with the  
6 teachers and staff with supervision over the juvenile sex  
7 offender. Whomever, except as specifically provided herein,  
8 directly or indirectly discloses or makes use of or knowingly  
9 permits the use of information concerning a juvenile sex  
10 offender described in this section, upon conviction thereof,  
11 shall be guilty of a Class A misdemeanor within the  
12 jurisdiction of the juvenile court.

13 (2) If the risk of re-offense is moderate,  
14 notification that the juvenile sex offender will be  
15 establishing, or has established, his or her residence shall  
16 be provided to all schools and childcare facilities within  
17 three miles of the declared residence of the juvenile sex  
18 offender. A community notification flyer shall be mailed by  
19 regular mail or hand delivered to all schools or childcare  
20 facilities as required by this subsection. No other method may  
21 be used to disseminate this information.

22 (3) If the risk of re-offense is high, the public  
23 shall receive notification as though the juvenile sex offender  
24 were an adult sex offender in accordance with Section 21.

25 (c) The sentencing court shall enter an order  
26 stating whether the juvenile sex offender shall be subject to  
27 notification and the level of notification that shall be

1 applied. The court shall provide a copy of the order to the  
2 prosecuting attorney and to the Department of Public Safety.

3 (d) The determination of notification by the  
4 sentencing court shall not be subject to appeal.

5 Section 28. (a) A juvenile adjudicated guilty of any  
6 of the following sex offenses shall be subject to registration  
7 and notification, if applicable, for life:

8 (1) Rape in the first degree, as provided by Section  
9 13A-6-61, Code of Alabama 1975.

10 (2) Sodomy in the first degree, as provided by  
11 Section 13A-6-63, Code of Alabama 1975.

12 (3) Sexual abuse in the first degree, as provided by  
13 Section 13A-6-66, Code of Alabama 1975.

14 (4) Sexual torture, as provided by Section  
15 13A-6-65.1, Code of Alabama 1975.

16 (5) Any offense committed in any other jurisdiction  
17 which, if had been committed in this state under the current  
18 provisions of law, would constitute an offense listed in  
19 subdivisions (1) to (4).

20 (6) Any offense, committed in this state or any  
21 other jurisdiction, comparable to or more severe than  
22 aggravated sexual abuse as described in 18 U.S.C. § 2241(a) or  
23 (b).

24 (7) Any solicitation, attempt, or conspiracy to  
25 commit any of the offenses listed in subdivisions (1) to (6).

26 (b) A juvenile sex offender subject to lifetime  
27 registration may petition the court for relief from

1 registration and notification, if notification was ordered, 25  
2 years after the juvenile sex offender is released from the  
3 offense subjecting the juvenile sex offender to registration  
4 in accordance with this act, pursuant to Section 35.

5 (c) A juvenile sex offender who has been adjudicated  
6 guilty of any sex offense as defined by Section 5, excluding  
7 those listed in subsection (a), shall be subject to this act  
8 for a period of 10 years from the last date of release from  
9 the offense subjecting the juvenile sex offender to  
10 registration in accordance with this act.

11 (d) If a juvenile sex offender required to register  
12 under this act is civilly committed, hospitalized, or  
13 re-incarcerated for another offense or, as the result of  
14 having violated the terms of probation, parole, or conditional  
15 discharge, fails to register or fails to comply with the  
16 requirements of this act, the registration requirements and  
17 the remaining period of time for which the juvenile sex  
18 offender shall register shall be tolled during the period of  
19 commitment, hospitalization, re-incarceration, or  
20 noncompliance.

21 (e) The sentencing court or the juvenile court where  
22 the juvenile sex offender resides, if the juvenile sex  
23 offender's adjudication of delinquency occurred in another  
24 jurisdiction, may give a juvenile sex offender credit for the  
25 time the juvenile sex offender was registered in another  
26 jurisdiction.

(f) A juvenile sex offender who is subsequently adjudicated as a youthful offender sex offender or convicted of another sex offense during his or her registration period shall be considered solely an adult sex offender.

Section 29. (a) Immediately prior to the release of a juvenile sex offender, the following shall apply:

(1) The responsible agency shall require the juvenile sex offender and the parent, custodian, or guardian of the juvenile sex offender to provide the required registration information.

(2) If the parent, guardian, or custodian of the juvenile sex offender declares a residence outside of the state, the responsible agency shall immediately notify the Department of Public Safety and the designated state law enforcement agency of the state to which the parent, guardian, or custodian of the juvenile sex offender has declared the residence. The notification shall include all information available to the responsible agency that would be necessary to identify and trace the juvenile sex offender, including, but not limited to, the risk assessment and a current photograph of the juvenile sex offender.

(3) If the parent, guardian, or custodian of the juvenile sex offender declares a residence within this state, the responsible agency shall immediately notify the Department of Public Safety, and local law enforcement in each county, in which the parent, guardian, or custodian of the juvenile sex offender has declared the residence. The notification shall

1 include all information available to the responsible agency  
2 that would be necessary to identify and trace the juvenile sex  
3 offender, including, but not limited to, the risk assessment  
4 and a current photograph of the juvenile sex offender.

5 (b) When a juvenile sex offender becomes the age of  
6 majority, the parent, guardian, or custodian of the juvenile  
7 sex offender shall no longer be subject to this section and  
8 the juvenile sex offender shall instead be subject to, and  
9 solely responsible for, all requirements pursuant to this  
10 section.

11 (c) Any person who violates this section shall be  
12 guilty of a Class C felony.

13 Section 30. (a) Immediately upon release or  
14 immediately upon adjudication of delinquency if the juvenile  
15 sex offender is not committed, the juvenile sex offender and  
16 the parent, custodian, or guardian shall register all required  
17 registration information with local law enforcement in each  
18 county in which the juvenile sex offender resides or intends  
19 to reside.

20 (b) Whenever a juvenile sex offender establishes a  
21 new residence, the juvenile sex offender and the parent,  
22 custodian, or guardian of the juvenile sex offender shall  
23 immediately appear in person to register all required  
24 registration information with local law enforcement in each  
25 county of residence.

26 (c) If the parent, custodian, or guardian of a  
27 juvenile sex offender transfers or terminates the residence of

1 the juvenile sex offender, or the custody of the juvenile sex  
2 offender is changed to a different parent, custodian, or  
3 guardian resulting in a transfer of residence, the original  
4 parent, custodian, or guardian with custody shall immediately  
5 notify local law enforcement in each county of residence.

6 (d) Whenever a juvenile sex offender changes any  
7 required registration information, the juvenile sex offender  
8 and the parent, custodian, or guardian of the juvenile sex  
9 offender shall immediately appear in person to update the  
10 required registration information with local law enforcement  
11 in each county in which the juvenile sex offender resides.

12 (e) A juvenile sex offender required to register for  
13 life pursuant to Section 28 shall appear in person with his or  
14 her parent, custodian, or guardian to verify all required  
15 registration information during the birth month of the  
16 juvenile sex offender and every three months thereafter with  
17 the local law enforcement in each county of residence unless  
18 the juvenile sex offender has been relieved from registration  
19 requirements pursuant to Section 35.

20 (f) A juvenile sex offender required to register for  
21 10 years pursuant to Section 28 shall appear in person with  
22 his or her parent, custodian, or guardian to verify all  
23 required registration information during the birth month of  
24 the juvenile sex offender and every year thereafter with local  
25 law enforcement in each county of residence unless the  
26 juvenile sex offender has been relieved from registration  
27 requirements pursuant to Section 24.

(g) At the time of registration, the juvenile sex offender shall be provided a form explaining all duties and any restrictions placed on the juvenile sex offender. The juvenile sex offender and the parent, custodian, or guardian of the juvenile sex offender shall read and sign this form stating that he or she understands the duties and restrictions placed on the juvenile sex offender and his or her parent, custodian, or guardian.

(h) When a juvenile sex offender becomes the age of majority, the parent, custodian, or guardian of the juvenile sex offender shall no longer be subject to the requirements of this section, and the juvenile sex offender shall instead be subject to, and solely responsible for, the requirements in this section.

(i) A person who violates this section shall be guilty of a Class C felony.

Section 31. (a) No juvenile sex offender shall maintain or establish a residence or living accommodation with his or her victim.

(b) A parent, guardian, or custodian who allows a juvenile sex offender to maintain or establish a living accommodation with his or her victim shall be guilty of violating this section.

(c) For the purposes of this section, a living accommodation includes, but is not limited to, any overnight visit with the victim.

(d) A juvenile sex offender may petition the court for relief from this section if sex offender treatment has been successfully completed and a recommendation for reunification has been made by the sex offender treatment provider.

(e) The petition shall be filed as follows:

(1) If the juvenile sex offender was adjudicated delinquent of a sex offense in this state, the petition shall be filed in the juvenile court of the county in which the juvenile sex offender was adjudicated delinquent.

(2) If the juvenile sex offender was adjudicated delinquent of a sex offense in a jurisdiction outside of this state, the petition shall be filed in the juvenile court of the county in which the juvenile sex offender resides.

(f) (1) The juvenile sex offender shall serve a copy of the petition by certified mail on all of the following:

a. The prosecuting attorney in the county of adjudication, if the juvenile sex offender was adjudicated delinquent in this state.

b. The prosecuting attorney of the county where the juvenile sex offender resides.

c. Local law enforcement where the juvenile sex offender was adjudicated delinquent, if the juvenile sex offender was adjudicated delinquent in this state.

d. Local law enforcement where the juvenile sex offender resides.

(2) Failure of the juvenile sex offender to serve a copy of the petition as required by this subsection shall result in an automatic denial of the petition.

(g) The petition and documentation to support the petition shall include documentation from the treatment provider regarding reunification.

(h) The court shall hold a hearing prior to ruling on the petition.

(i) At the hearing the prosecuting attorney and the victim shall have the opportunity to be heard.

(j) The court may issue an order granting relief from the residency restriction pursuant to this section if the court finds by clear and convincing evidence that the juvenile sex offender does not pose a substantial risk of perpetrating any future dangerous sex offense or that the juvenile sex offender is not likely to reoffend.

(k) If the court grants the petition for relief, the court shall enter an order detailing the relief granted and provide a copy of the order to the prosecuting attorney of the jurisdiction where the petition was filed, the Board of Pardons and Paroles, if the juvenile sex offender is on probation or parole, and the Department of Public Safety.

(1) If a juvenile sex offender seeks relief from the court pursuant to this section, the enforcement of this act shall not be stayed pending a ruling of the court.

(m) A person who violates this section or provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

Section 32. (a) During the time a juvenile sex offender is subject to the registration requirements of this act, the juvenile sex offender shall not apply for, accept, or maintain employment or vocation, or volunteer for any employment or vocation at any school, childcare facility, or any other organization that provides services primarily to children.

(b) It shall be unlawful for the owner or operator of any childcare facility or any other organization that provides services primarily to children to knowingly employ or accept volunteer services from a juvenile sex offender.

(c) Any person who violates this section shall be guilty of a Class C felony.

Section 33. (a) A juvenile sex offender or youthful offender sex offender, or equivalent thereto, shall immediately appear in person and register all required registration information upon establishing a residence in this state with local law enforcement in each county where the juvenile sex offender or youthful offender sex offender resides or intends to reside.

(b) Within 30 days of initial registration, the juvenile sex offender or youthful offender sex offender shall provide each registering agency with a certified copy of his or her adjudication; however, a juvenile sex offender or

young offender sex offender shall be exempt under this subsection if the court of adjudication seals the records and refuses to provide a certified copy or the records have been destroyed by the court.

(c) Whenever a juvenile sex offender registers pursuant to this act, he or she shall be subject to the requirements of this act as it applies to juvenile sex offenders in this state.

(d) Whenever a youthful offender sex offender, or equivalent thereto, registers pursuant to this act he or she shall be subject to the requirements of this act as it applies to youthful offender sex offenders in this state.

(e) Any person who violates this section shall be guilty of a Class C felony.

Section 34. Notwithstanding any other provision of law, the court records of juvenile sex offenders are to be retained, either in paper format or electronically, and not to be destroyed for a period of 75 years from the date of adjudication.

Section 35. (a) A juvenile sex offender subject to lifetime registration pursuant to Section 28 may file a petition requesting the court to enter an order relieving the juvenile sex offender of the requirements pursuant to this act 25 years after the juvenile sex offender is released from the custody of the Department of Youth Services or sentenced, if the juvenile sex offender was placed on probation, for the sex offense requiring registration pursuant to this act.

(b) The petition shall be filed as follows:

(1) If the juvenile sex offender was adjudicated delinquent of a sex offense in this state, the petition shall be filed in the juvenile court of the county in which the juvenile sex offender was adjudicated delinquent.

(2) If the juvenile sex offender was adjudicated delinquent of a sex offense in a jurisdiction outside of this state, the petition shall be filed in the juvenile court of the county in which the juvenile sex offender resides.

(c) (1) The juvenile sex offender shall serve a copy of the petition by certified mail on all of the following:

a. The prosecuting attorney in the county of adjudication, if the juvenile sex offender was adjudicated delinquent in this state.

b. The prosecuting attorney of the county in which the juvenile sex offender resides.

c. Local law enforcement where the juvenile sex offender was adjudicated delinquent, if the juvenile sex offender was adjudicated delinquent in this state.

d. Local law enforcement where the juvenile sex offender resides.

(2) Failure of the juvenile sex offender to serve a copy of the petition as required by this subsection shall result in an automatic denial of the petition.

(d) The petition and documentation to support the petition shall include all of the following:

(1) A certified copy of the adjudication of delinquency requiring registration.

(2) Documentation of the juvenile sex offender's release date or sentencing date if the juvenile sex offender was placed on probation.

(3) Evidence that the juvenile sex offender has completed a treatment program approved by the Department of Youth Services.

(4) A list of each county and jurisdiction in which the juvenile sex offender is required to register or has ever been required to register.

(5) The juvenile sex offender's criminal record and an affidavit stating that the juvenile sex offender has no pending criminal charges.

(6) Any other information requested by the court relevant to the petition.

(e) Upon notification of the petition, the prosecuting attorney shall make reasonable efforts to notify the victim of the offense for which the juvenile sex offender is required to register of the petition and of the dates and times of any hearings or other proceedings in connection with the petition.

(f) The court shall hold a hearing prior to ruling on the petition. At the hearing, the prosecuting attorney and the victim shall have the opportunity to be heard.

(g) The court may consider any of the following factors to determine whether to grant relief:

(1) Recommendations from the juvenile sex offender's probation officer, including, but not limited to, the recommendations in the presentence investigation report and the juvenile sex offender's compliance with supervision requirements.

(2) Recommendations from the juvenile sex offender's treatment provider, including, but not limited to, whether the juvenile sex offender successfully completed a treatment program approved by the Department of Youth Services.

(3) Recommendations from the prosecuting attorney.

(4) Any written or oral testimony submitted by the victim or the parent, custodian, or guardian of the victim.

(5) The facts and circumstances surrounding the offense including, but not limited to, the age and number of victims, whether the act was premeditated, and whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury.

(6) Any criminal behavior of the juvenile sex offender before and after the adjudication of delinquency that requires reporting.

(7) The stability of the juvenile sex offender in employment and housing and his or her community and personal support system.

(8) The protection of society.

(9) Any other factors deemed relevant by the court.

(h) If the court is satisfied by clear and convincing evidence that the juvenile sex offender is

rehabilitated and does not pose a threat to the safety of the public, the court may grant relief.

(i) The court shall provide a copy of any order granting relief to the prosecuting attorney and to the Department of Public Safety.

(j) Upon receipt of a copy of an order granting relief as provided in this section, the Department of Public Safety shall remove the juvenile sex offender from the public registry website. If the registering agencies maintain a local registry of sex offenders who are registered with their agencies, the registering agencies shall remove the registration information of the juvenile sex offender from the local sex offender public registry, if notification applied.

(k) If the court denies the petition for relief, the juvenile sex offender shall wait at least 12 months from the date of the order denying the petition before petitioning the court again.

(1) Notwithstanding any state or local law or rule assigning costs and fees for filing and processing civil and criminal cases, the fee for filing the petition for relief shall be two hundred dollars (\$200) to be distributed as provided in Section 47.

(m) If a sex offender seeks relief from the court pursuant to this section, the enforcement of this act shall not be stayed pending a ruling of the court.

(n) A person who provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

Section 36. For the purposes of this act, a youthful offender sex offender who has not been previously adjudicated or convicted of a sex offense and who has not yet attained the age of 18 shall be considered a juvenile sex offender. A youthful offender sex offender who has been previously adjudicated or convicted of a sex offense as defined in Section 5 as a juvenile sex offender, youthful offender sex offender, or adult sex offender, or who has attained the age of 18 shall be treated as an adult sex offender. A youthful offender sex offender who is treated as a juvenile sex offender for purposes of this act may not be released from the jurisdiction of the sentencing court until the youthful offender sex offender has undergone sex offender treatment and a risk assessment as required by Section 26.

Section 37. (a) No sex offender shall change his or her name unless the change is incident to a change in the marital status of the sex offender or is necessary to effect the exercise of the religion of the sex offender. Such a change shall be immediately reported to local law enforcement in each county in which the sex offender is required to register. If the sex offender is subject to the notification provision of this act, the reporting of a name change under this section shall invoke notification.

(b) Any person who violates this section shall be guilty of a Class C felony.

Section 38. (a) When a county is notified that a sex offender intends to reside, be employed, or attend school in its county and the sex offender fails to appear for registration upon entering that county as required, the sheriff of the county that received the notice shall immediately inform the sheriff of the county that provided the notice that the sex offender failed to appear for registration as required.

(b) When a sex offender fails to register or cannot be located, an effort shall immediately be made by the sheriff in the county in which the sex offender failed to register or is unable to be located to determine whether the sex offender has absconded.

(c) If no determination can be made as to whether the sex offender has absconded, the sheriff of the county in which the sex offender failed to appear for registration shall immediately notify the Department of Public Safety and the United States Marshals Service that the sex offender cannot be located and provide any information available to determine whether the sex offender absconded to the United States Marshals Service.

(d) Once a determination is made that the sex offender has absconded, the following shall occur:

(1) The sheriff of the county in which the sex offender has absconded shall immediately obtain a warrant for the arrest of the sex offender.

(2) The sheriff of the county in which the sex offender has absconded shall immediately notify the United States Marshals Service and the Department of Public Safety.

(3) The Department of Public Safety shall immediately update its public registry website to reflect that the sex offender has absconded.

(4) The Department of Public Safety shall immediately notify the Criminal Justice Information Center, who shall immediately notify the National Criminal Information Center.

(5) The Department of Public Safety shall immediately notify the National Sex Offender Registry to reflect that the sex offender has absconded and enter the information into the National Crime Center Wanted Person File.

Section 39. (a) If a sex offender escapes from a state or local correctional facility, juvenile detention facility, or any other facility that would not permit unsupervised access to the public, the responsible agency, within 24 hours, shall notify the Department of Public Safety, local law enforcement who had jurisdiction at the time of adjudication or conviction of the sex offense, the sheriff of the county and each chief of police of every municipality in the county where the sex offender escaped, and the United States Marshals Service.

(b) The responsible agency shall provide each law enforcement agency listed in subsection (a) with the following information:

(1) The name and aliases of the sex offender.

(2) The amount of time remaining to be served by the sex offender.

(3) The nature of the crime for which the sex offender was incarcerated.

(4) A copy of the fingerprints and current photograph of the sex offender and a summary of the criminal record of the sex offender.

Section 40. (a) A person is guilty of the crime of harboring, assisting, concealing, or withholding information about a sex offender if the person has knowledge or reason to believe that a sex offender is required to register and has not complied with the registration requirements of this act and the person assists the sex offender in avoiding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this act if the person does any of the following:

(1) Harbors, attempts to harbor, or assists another person in harboring or attempting to harbor the sex offender.

(2) Allows a sex offender to reside at his or her residence to avoid registration if the address is not the address the sex offender listed as his or her residence address.

(3) Warns a sex offender that a law enforcement agency is attempting to locate the sex offender.

(4) Provides the sex offender with money, transportation, weapon, disguise, or other means of avoiding discovery or apprehension.

(5) Conceals, attempts to conceal, or assists another in concealing or attempting to conceal the sex offender.

(6) Provides information to a law enforcement agency regarding a sex offender which the person knows to be false.

(b) For the purposes of this section, the term law enforcement agency includes, but is not limited to, the Board of Pardons and Paroles.

(c) Harboring, assisting, or concealing a sex offender is a Class C felony.

Section 41. (a) It is the intent of the Legislature that a duplicate of a certified copy of a public record be admissible and is not dependent on the original custodian of record to gain admissibility. Further, the Legislature finds that the certification by the clerk or magistrate and the certification by the Department of Public Safety assures reliability and trustworthiness.

(b) Every clerk or magistrate of a court, which does not have a clerk, shall forward a certified copy of a sex offender's adjudication or conviction to the Department of Public Safety within 30 days of sentencing of any of the offenses listed in Section 5.

(c) Any state, county, or municipal law enforcement agency, the Attorney General, or a district attorney may request a duplicate of the sex offender's adjudication or conviction from the Department of Public Safety.

(d) Upon the request of any of the agencies listed in subsection (c), the custodian of records, or its designee, of the Department of Public Safety shall immediately certify all of the following:

(1) That the Department of Public Safety received the certified copy of the sex offender's conviction or adjudication from the clerk or magistrate pursuant to subsection (b).

(2) That the original certified copy received from the clerk or magistrate remains in the possession of the Department of Public Safety.

(3) That no changes or alterations have been made to the original certified copy.

(e) Upon certification by the Department of Public Safety as provided in subsection (d), the Department of Public Safety shall immediately forward the certified documents to the requesting agency.

(f) Notwithstanding any other law or rule of evidence, a certified copy of the record of adjudication or conviction as defined in subsection (b), provided by the Department of Public Safety as provided in subsection (d), shall be proof of the sex offender's adjudication or

1 conviction of a sex offense and shall be admissible into  
2 evidence, without further proof, in any court in this state.

3 (g) For the purpose of this section, the term  
4 conviction shall mean a final conviction, regardless of  
5 whether the conviction is on appeal.

6 (h) Any clerk of a court, or magistrate of a court  
7 which does not have a clerk, who fails to report any such  
8 conviction in his or her court shall be guilty of a Class A  
9 misdemeanor.

10 Section 42. (a) After a sex offender's conviction or  
11 adjudication, and upon request of the Attorney General's  
12 Office, the office of the prosecuting attorney or the clerk of  
13 the court or magistrate of a court which does not have a  
14 clerk, shall immediately forward the victim's name and most  
15 current address, of available, to the Attorney General's  
16 Office of Victim Assistance.

17 (b) When providing notice of a parole hearing, the  
18 Board of Pardons and Paroles shall provide the Attorney  
19 General's Office of Victim Assistance with any victim  
20 information on victims whose offenders are subject to this  
21 act.

22 (c) Upon request of the victim, the Attorney  
23 General's Office of Victim Assistance shall send a notice to  
24 the victim notifying the victim of the pending release of the  
25 sex offender and the location at which the sex offender  
26 intends to reside. This request by the victim shall be made

1 electronically or in writing to the Attorney General's Office  
2 of Victim Assistance.

3 (d) It shall be the responsibility of the victim to  
4 inform the Attorney General's Office of Victim Assistance of  
5 any change to the victim's address or any other pertinent  
6 information. If the notice sent by the Attorney General's  
7 Office of Victim Assistance is returned as undeliverable, no  
8 further action shall be required of the Attorney General's  
9 Office of Victim Assistance.

10 Section 43. (a) Any jurisdiction or agency  
11 responsible for registering a sex offender shall immediately  
12 forward all required registration information and any changes  
13 to the required registration information received to the  
14 Department of Public Safety in a manner determined by the  
15 director of the department.

16 (b) Upon notification or discovery of the death of a  
17 sex offender, the registering agency shall immediately notify  
18 the Department of Public Safety.

19 (c) The Department of Public Safety shall  
20 immediately enter all registration information received into  
21 its sex offender database.

22 (d) All information received by the Department of  
23 Public Safety shall be immediately forwarded to the following  
24 by the Department of Public Safety:

25 (1) The Alabama Criminal Justice Information Center,  
26 who will in turn provide any information received to the

1                   National Criminal Information Center or any other law  
2                   enforcement agency for any lawful criminal justice purpose.

3                   (2) The Sex Offender Registration and Notification  
4                   Act Exchange Portal.

5                   (3) The National Sex Offender Registry.

6                   (4) Each county and municipality where the sex  
7                   offender resides, is an employee, or is a student.

8                   (5) Each county and municipality from or to which a  
9                   change of residence, employment, or student status occurs.

10                  (6) The campus police in each county or jurisdiction  
11                  where the sex offender is a student.

12                  (7) The United States Marshals Service, if the sex  
13                  offender is terminating residence in a jurisdiction to  
14                  relocate to a foreign country.

15                  (8) The Attorney General's Office of Victim  
16                  Assistance.

17                  (e) Upon request, all registration information shall  
18                  be available to all federal, state, county, and municipal law  
19                  enforcement agencies, prosecuting attorneys, probation  
20                  officers, and any National Child Protection Act agencies in  
21                  electronic form.

22                  (f) No existing state laws, including, but not  
23                  limited to, statutes that would otherwise make juvenile and  
24                  youthful offender records confidential, shall preclude the  
25                  disclosure of any information requested by a responsible  
26                  agency, a law enforcement officer, a criminal justice agency,  
27                  the Office of the Attorney General, or a prosecuting attorney

for purposes of administering, implementing, or enforcing this act.

(g) The sheriff of each county shall maintain a register or roster of the names of all persons registered by him or her pursuant to this act. The information contained in the register or roster shall be made available, upon request, to all federal, state, county, and municipal law enforcement agencies, prosecuting attorneys, or probation officers for the administration, implementation, or enforcement of this act.

Section 44. Except as provided in Sections 23, 24, 25, and 35, the sex offender registration and notification requirements required by this act are mandatory and shall not be altered, amended, waived, or suspended by any court. Any order altering, amending, waiving, or suspending sex offender registration and notification requirements, except as provided in Sections 23, 24, 25, and 35, shall be null, void, and of no effect.

Section 45. (a) The Director of the Department of Public Safety shall promulgate rules establishing an administrative hearing for persons who are only made subject to this act pursuant to subdivision (33) of Section 5.

(b) The Director of the Department of Public Safety shall promulgate rules setting forth a listing of offenses from other jurisdictions that are to be considered criminal sex offenses under subdivision (33) of Section 5. Thereafter, any individual convicted of any offense set forth in the listing shall immediately be subject to this article and shall

1 not be entitled to an administrative hearing as provided in  
2 subsection (a).

3 (c) The Director of the Department of Public Safety  
4 shall have the authority to promulgate any rules as are  
5 necessary to implement and enforce this act.

6 Section 46. (a) A sex offender who is convicted of  
7 any offense specified in this act, in addition to any  
8 imprisonment or fine, or both, imposed for the commission of  
9 the underlying offense, shall be punished by a fine of two  
10 hundred fifty dollars (\$250).

11 (b) The fines collected in subsection (a) shall be  
12 distributed as follows:

13 (1) Fifty dollars (\$50) to the Department of Public  
14 Safety.

15 (2) Twenty-five dollars (\$25) to the Circuit Clerk's  
16 Restitution Recovery Fund.

17 (3) Twenty-five dollars (\$25) to the State General  
18 Fund.

19 (4) Fifty dollars (\$50) to the District Attorney's  
20 Fund or the fund prescribed by law for district attorney fees.

21 (5) Fifty dollars (\$50) to the Office of Prosecution  
22 Services for the Alabama Computer Forensics Labs.

23 (6) Fifty dollars (\$50) to the local law enforcement  
24 agency providing notification.

25 (c) Fines ordered pursuant to this section shall not  
26 be waived, suspended, or remitted.

Section 47. The two hundred dollar (\$200) filing fee paid by a sex offender who petitions the court for relief pursuant to Sections 23, 24, 25, or 35 shall be distributed as follows:

(1) Fifty dollars (\$50) to the Circuit Clerk's Restitution Recovery Fund.

(2) Fifty dollars (\$50) to the law enforcement agency providing community notification.

(3) Fifty dollars (\$50) to the District Attorney  
Fund or the fund prescribed by law for district attorney fees.

(4) Fifty dollars (\$50) to Child Advocacy Centers.

(d) The filing fee shall not be suspended, waived, or remitted.

Section 48. Nothing in this act shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions based on the performance of any duty imposed by this act or the failure to perform any duty imposed by this act.

Section 49. Sections 13A-11-200, 13A-11-201, and 13A-11-202 and Sections 15-20-1 to 15-20-38, inclusive, Code of Alabama 1975, are repealed.

Section 50. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 51. Although this bill would have as its purpose or effect the requirement of a new or increased

expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 52. This act shall become effective on July 1, 2011, following its passage and approval by the Governor, or its otherwise becoming law.